



Senate

General Assembly

File No. 503

February Session, 2008

Substitute Senate Bill No. 178

Senate, April 7, 2008

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE REGULATION OF FIREARMS AND THE
LICENSING OF BAIL ENFORCEMENT AGENTS, PROFESSIONAL
BONDSMEN AND SURETY BAIL BOND AGENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-37g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) For the purposes of this section, (1) "gun show" means any event
4 (A) at which fifty or more firearms are offered or exhibited for sale,
5 transfer or exchange to the public and (B) at which two or more
6 persons are exhibiting one or more firearms for sale, transfer or
7 exchange to the public; and (2) "gun show promoter" means any
8 person who organizes, plans, promotes or operates a gun show.

9 (b) Not later than thirty days before commencement of a gun show,
10 the gun show promoter shall notify the chief of police of the town in
11 which the gun show is to take place or, where there is no chief of
12 police, the warden of the borough or the first selectman of [the] such

13 town [in which the gun show is to take place] of the date, time,
14 duration and location of the gun show and such chief of police,
15 warden or first selectman, as applicable, shall notify the Commissioner
16 of Public Safety of the date, time, duration and location of the gun
17 show.

18 (c) No person, firm or corporation shall sell, deliver or otherwise
19 transfer a firearm at a gun show until such person, firm or corporation
20 has complied with the provisions of section 29-36l.

21 Sec. 2. Section 29-152f of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective October 1, 2008*):

23 (a) Any person desiring to engage in the business of a bail
24 enforcement agent shall apply to the Commissioner of Public Safety for
25 a license [therefore] for such business. Such application shall set forth
26 under oath the full name, age, date and place of birth, residence and
27 occupation of the applicant. It shall also set forth under oath a
28 statement of whether the applicant has been charged with or convicted
29 of crime, and such other information, including fingerprints and
30 photographs, as required by the commissioner. The commissioner
31 shall require the applicant to submit to state and national criminal
32 history records checks. The criminal history records checks required
33 pursuant to this section shall be conducted in accordance with section
34 29-17a. [Within] No earlier than five years prior to the date of
35 application, the applicant shall have successfully completed a course in
36 the criminal justice system consisting of not less than twenty hours of
37 study approved by the commissioner. No person who has been
38 convicted of a felony or any misdemeanor under section 21a-279, 53a-
39 58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-176,
40 53a-178 or 53a-181d, shall be licensed to do business as a bail
41 enforcement agent in this state. No person engaged in law enforcement
42 or vested with police powers shall be licensed to do business as a bail
43 enforcement agent.

44 (b) On and after October 1, 2008, no person or employee of an
45 association, corporation or partnership shall conduct the course

46 required by subsection (a) of this section without the approval of the
47 commissioner. Application for such approval shall be submitted on
48 forms prescribed by the commissioner. Such application shall be made
49 under oath and shall contain the applicant's name, address, date and
50 place of birth, employment for the five years prior to the date of
51 application, education or training in the criminal justice area, any
52 convictions for violations of the law, and such other information as the
53 commissioner may require by regulation, adopted pursuant to
54 subsection (c) of this section, to properly investigate the character,
55 competency and integrity of the applicant. No person shall be
56 approved as an instructor for such training who has been convicted of
57 a felony or any misdemeanor under section 21a-279, 53a-58, 53a-61,
58 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-176, 53a-178 or
59 53a-181d, or who has been denied a license as a professional
60 bondsman, surety bail bond agent or bail enforcement agent, or whose
61 license has been revoked or suspended.

62 (c) The commissioner may adopt regulations, in accordance with the
63 provisions of chapter 54, to implement the provisions of this section.

64 Sec. 3. Section 29-152h of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective October 1, 2008*):

66 (a) Each person licensed as a bail enforcement agent under the
67 provisions of sections 29-152f to 29-152i, inclusive, as amended by this
68 act, may apply for a renewal of such license upon a renewal
69 application [forms] form provided by the Commissioner of Public
70 Safety [and requiring] that provides for the disclosure of such
71 information as said commissioner requires [in determining] to
72 determine whether [or not] such agent's suitability to continue in such
73 business has changed since the issuance of [any] the prior license. The
74 fee for renewal of a bail enforcement agent's license shall be one
75 hundred dollars.

76 (b) Each person approved as an instructor under the provisions of
77 section 29-152f, as amended by this act, or section 29-152m, as
78 amended by this act, may apply for renewal of such approval on a

79 form provided by the Commissioner of Public Safety that provides for
80 the disclosure of such information as said commissioner requires to
81 determine whether such instructor's suitability to continue as an
82 instructor has changed since the issuance of the prior approval. The fee
83 for such renewal shall be one hundred dollars.

84 Sec. 4. Section 29-152i of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective October 1, 2008*):

86 The Commissioner of Public Safety may suspend, revoke or refuse
87 to renew the license of any bail enforcement agent, pursuant to
88 sections 29-152f to 29-152i, inclusive, as amended by this act, or the
89 approval of an instructor pursuant to section 29-152f, 29-152i or 29-
90 152m, as amended by this act, provided the commissioner gives notice
91 [shall have been given] to the licensee or instructor to appear before
92 the commissioner to show cause why the license or approval should
93 not be suspended, revoked or refused renewal, upon a finding by the
94 commissioner that the licensee or instructor: (1) [The licensee has] Has
95 violated (A) any of the terms or provisions of sections 29-152e to
96 29-152m, inclusive, as amended by this act, or (B) if a licensee, section
97 38a-660a or any of the regulations adopted under section 29-152o; (2)
98 [the licensee] has practiced fraud, deceit or misrepresentation; (3) [the
99 licensee] has made a material misstatement in the application for
100 issuance or renewal of such license or approval; (4) [the licensee] has
101 demonstrated incompetence or untrustworthiness in the conduct of the
102 licensee's or instructor's business; (5) [the licensee] has been convicted
103 of a felony, a misdemeanor specified in section 29-152f, as amended by
104 this act, or other crime affecting the licensee's or instructor's honesty,
105 integrity or moral fitness; or (6) [the licensee] is unsuitable. The
106 suspension or revocation of, or the refusal to renew, any bail
107 enforcement agent's license shall also constitute the revocation of the
108 bail enforcement agent's firearms permit issued pursuant to section 29-
109 152m, as amended by this act. Any bail enforcement agent who fails to
110 surrender such license within five days of notification in writing of the
111 suspension or revocation of, or refusal to renew, such license shall be
112 guilty of a class C misdemeanor. Any party aggrieved by an order of

113 the commissioner under this section may appeal therefrom in
114 accordance with the provisions of section 4-183, except venue for such
115 appeal shall be in the judicial district of Hartford.

116 Sec. 5. Section 29-152m of the general statutes is repealed and the
117 following is substituted in lieu thereof (*Effective October 1, 2008*):

118 (a) No professional bondsman licensed under chapter 533, surety
119 bail bond agent licensed under chapter 700f or bail enforcement agent
120 licensed under sections 29-152f to 29-152i, inclusive, as amended by
121 this act, shall carry a pistol, revolver or other firearm while engaging in
122 the business of a professional bondsman, surety bail bond agent or bail
123 enforcement agent, as the case may be, or while traveling to or from
124 such business unless such bondsman or agent obtains a special permit
125 from the Commissioner of Public Safety in accordance with the
126 provisions of subsection (b) of this section. The permit required under
127 this section shall be in addition to the permit requirement imposed
128 under section 29-28 of the 2008 supplement to the general statutes.

129 (b) The Commissioner of Public Safety may grant to any
130 professional bondsman licensed under chapter 533, surety bail bond
131 agent licensed under chapter 700f or bail enforcement agent licensed
132 under sections 29-152f to 29-152i, inclusive, as amended by this act, a
133 permit to carry a pistol or revolver or other firearm while engaging in
134 the business of professional bondsman, surety bail bond agent or bail
135 enforcement agent, as the case may be, or while traveling to or from
136 such business, provided that such bondsman or agent has proven to
137 the satisfaction of the commissioner that such bondsman or agent has
138 successfully completed a course, approved by the commissioner, of
139 training in the safety and use of firearms. Such bondsman or agent
140 shall successfully complete a firearms safety refresher course approved
141 by the commissioner each year as a condition of such permit.

142 (c) The commissioner shall adopt regulations in accordance with the
143 provisions of chapter 54 concerning the approval of schools,
144 institutions or organizations offering such courses, requirements for
145 instructors and the required number of hours and content of such

146 courses. On and after October 1, 2008, no person or employee of an
147 association, corporation or partnership shall conduct a course pursuant
148 to subsection (b) of this section without the approval of the
149 commissioner. Application for such approval shall be submitted on a
150 form prescribed by the commissioner. Such application shall be made
151 under oath and shall contain the following: (1) The applicant's name,
152 address, and date and place of birth; (2) the applicant's employment
153 for the five years prior to the date of application; (3) the applicant's
154 education or training in the subject matter of the courses required by
155 subsection (b) of this section; (4) any convictions for violations of the
156 law; and (5) such other information as the commissioner may require
157 by any regulation adopted pursuant to this subsection to investigate
158 the character, competency and integrity of the applicant. No person
159 shall be approved as an instructor who has been convicted of a felony
160 or any misdemeanor pursuant to section 21a-279, 53a-58, 53a-61, 53a-
161 61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-176, 53a-178 or 53a-
162 181d, who has been denied a license as a professional bondsman,
163 surety bail bond agent or bail enforcement agent, or if said license has
164 been revoked or suspended.

165 [(c)] (d) Application for a permit issued pursuant to this section
166 shall be made on forms provided by the commissioner and shall be
167 accompanied by a thirty-one-dollar fee. Such permit shall have an
168 expiration date that coincides with that of the state permit to carry a
169 pistol or revolver issued pursuant to section 29-28 of the 2008
170 supplement to the general statutes. A permit issued pursuant to this
171 section shall be renewable every five years with a renewal fee of thirty-
172 one dollars. The commissioner shall send, by first class mail, a notice of
173 expiration of the bail enforcement agent firearms permit issued
174 pursuant to this section, together with a notice of expiration of the
175 permit to carry a pistol or revolver issued pursuant to section 29-28 of
176 the 2008 supplement to the general statutes, in one combined form.
177 The commissioner shall send such combined notice to the holder of the
178 permits not later than ninety days before the date of the expiration of
179 both permits, and shall enclose a form for renewal of the permits. A
180 bail enforcement agent firearms permit issued pursuant to this section

181 shall be valid for a period of ninety days after the expiration date,
182 except this provision shall not apply if the permit to carry a pistol or
183 revolver has been revoked or revocation is pending pursuant to section
184 29-32, in which case the bail enforcement agent firearms permit shall
185 also be revoked.

186 Sec. 6. Section 53-206c of the general statutes is repealed and the
187 following is substituted in lieu thereof (*Effective October 1, 2008*):

188 (a) For the purposes of this section:

189 (1) "Facsimile of a firearm" means (A) any nonfunctional imitation of
190 an original firearm which was manufactured, designed and produced
191 since 1898, or (B) any nonfunctional representation of a firearm other
192 than an imitation of an original firearm, provided such representation
193 could reasonably be perceived to be a real firearm. Such term does not
194 include any look-a-like, nonfiring, collector replica of an antique
195 firearm developed prior to 1898, or traditional BB. or pellet-firing air
196 gun that expels a metallic or paint-contained projectile through the
197 force of air pressure.

198 (2) "Firearm" means firearm as defined in section 53a-3 of the 2008
199 supplement to the general statutes.

200 (b) No person shall give, offer for sale or sell any facsimile of a
201 firearm. The provisions of this subsection shall not apply to any
202 facsimile of a firearm, which, because of its distinct color, exaggerated
203 size or other design feature, cannot reasonably be perceived to be a
204 real firearm.

205 (c) Except in self defense, no person shall carry, draw, exhibit or
206 brandish a facsimile of a firearm or simulate a firearm in a threatening
207 manner, with intent to frighten, vex or harass another person.

208 (d) No person shall draw, exhibit or brandish a facsimile of a
209 firearm or simulate a firearm in the presence of a peace officer,
210 firefighter, emergency medical technician or paramedic engaged in the
211 performance of his duties knowing or having reason to know that such

212 peace officer, firefighter, emergency medical technician or paramedic
213 is engaged in the performance of his duties, with intent to impede such
214 person in the performance of such duties.

215 (e) Any person who violates any provision of this section shall be
216 guilty of a class B misdemeanor.

217 (f) The provisions of this section shall not apply to any person
218 participating in a state-certified qualified production, as defined in
219 section 12-217jj of the 2008 supplement to the general statutes.

220 Sec. 7. Section 53-206d of the general statutes is repealed and the
221 following is substituted in lieu thereof (*Effective October 1, 2008*):

222 (a) (1) No person shall carry a pistol, revolver, machine gun,
223 shotgun, rifle or other firearm, which is loaded and from which a shot
224 may be discharged, upon his person (A) while under the influence of
225 intoxicating liquor or any drug, or both, or (B) while the ratio of
226 alcohol in the blood of such person is [ten-hundredths] eight-
227 hundredths of one per cent or more of alcohol, by weight.

228 (2) Any person who violates any provision of this subsection shall
229 be guilty of a class B misdemeanor.

230 (b) (1) No person shall engage in hunting while under the influence
231 of intoxicating liquor or any drug, or both, or while impaired by the
232 consumption of intoxicating liquor. A person shall be deemed under
233 the influence when at the time of the alleged offense the person (A) is
234 under the influence of intoxicating liquor or any drug, or both, or (B)
235 has an elevated blood alcohol content. For the purposes of this
236 subdivision, "elevated blood alcohol content" means (i) a ratio of
237 alcohol in the blood of such person that is [ten-hundredths] eight-
238 hundredths of one per cent or more of alcohol, by weight, or (ii) if such
239 person has been convicted of a violation of this subsection, a ratio of
240 alcohol in the blood of such person that is seven-hundredths of one per
241 cent or more of alcohol, by weight. A person shall be deemed impaired
242 when at the time of the alleged offense the ratio of alcohol in the blood

243 of such person was more than seven-hundredths of one per cent of
 244 alcohol, by weight, but less than [ten-hundredths] eight-hundredths of
 245 one per cent of alcohol, by weight.

246 (2) Any person who violates any provision of this subsection shall
 247 be guilty of a class A misdemeanor.

248 (3) Enforcement officers of the Department of Environmental
 249 Protection are empowered to arrest for a violation of the provisions of
 250 this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	29-37g
Sec. 2	October 1, 2008	29-152f
Sec. 3	October 1, 2008	29-152h
Sec. 4	October 1, 2008	29-152i
Sec. 5	October 1, 2008	29-152m
Sec. 6	October 1, 2008	53-206c
Sec. 7	October 1, 2008	53-206d

Statement of Legislative Commissioners:

In subsection (b) of section 2 "approval" was replaced with "license" in two places for accuracy and in the first sentence of subsection (b) of section 3 "license" was replaced with "approval" for accuracy.

PS *Joint Favorable Subst. C/R*

JUD

JUD *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Public Safety, Dept.	GF - Revenue Gain	See Below	See Below
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 1 would require the chief of police, warden, or first selectman of a municipality to notify the Commissioner of Public Safety of the date, time, duration, and location of a gun show within that municipality. This would result in no fiscal impact.

Sections 2, 3, 4 and 5 would require instructors of the criminal justice course for bail enforcement agents and the firearms safety course for professional bondsmen, bail enforcement agents, and surety bail bond agents to be approved by the Commissioner of Public Safety. It would also require those instructors to pay a \$100 fee for approval renewals, though it does not specify the frequency of renewal. There are currently 17 instructors approved by the Department of Public Safety (DPS) to provide these courses, which would result in a revenue gain of \$1,700 to DPS at such time that those instructors apply for renewal.

In addition, the bill expands prohibited activities related to private detectives and security services, which are punishable by a fine of up

to \$5,000 and/or a five year term of imprisonment.¹

Section 7 would lower the blood alcohol content level necessary to convict someone of carrying a firearm while intoxicated or hunting while intoxicated.²

To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community. Any revenue gain from criminal fines imposed is anticipated to be minimal.

The Out Years

The annualized ongoing potential cost impact identified above would continue into the future subject to inflation. The ongoing revenue impact identified above would remain constant into the future since fine and fee amounts are set by statute.

¹ No convictions have occurred under this statute (CGS 29-152n) during the last six fiscal years for which data are available.

² The maximum penalty for an offense is a fine of \$1,000 and/or six months in prison. Since 2002, there have been 18 convictions under CGS 53-206d(a) and 0 convictions under CGS 53-206d(b).

OLR Bill Analysis**sSB 178*****AN ACT CONCERNING THE REGULATION OF FIREARMS AND
THE LICENSING OF BAIL ENFORCEMENT AGENTS,
PROFESSIONAL BONDSMEN AND SURETY BAIL BOND AGENTS.*****SUMMARY:**

This bill makes unrelated changes in the laws affecting the bail industry, firearms and intoxication, gun shows, and facsimile firearms.

The bill requires anyone conducting the currently required criminal justice course for bail enforcement agents or the firearms safety and use course for professional bondsmen, bail enforcement agents, or surety bail bond agents to be approved by the Department of Public Safety (DPS) commissioner. It makes it a class D felony, punishable by a prison term of one to five years, a fine of up to \$5,000, or both, to conduct the courses without the approval. The bill sets a \$100 fee for renewing approvals but no initial fee and does not specify the frequency of renewals. The commissioner may deny, suspend, or revoke approvals.

The bill requires professional bondsmen, surety bail bond agents, and bail enforcement agents granted a DPS special permit to carry firearms on the job to complete an annual firearms safety and use refresher course approved by the commissioner.

It (1) lowers, from .10 to .08, the blood alcohol content (BAC) level triggering violation of the hunting while intoxicated or carrying a firearm while intoxicated statutes; (2) exempts people participating in state-certified qualified productions from the ban on facsimile firearms; and (3) requires the pertinent local official, when notified of upcoming gun shows in the municipality, to notify the public safety commissioner.

EFFECTIVE DATE: October 1, 2008

APPROVAL OF CRIMINAL JUSTICE INSTRUCTORS

Application for Approval

By law, (1) anyone in the bail enforcement business must successfully complete a criminal justice course of at least 20 hours as a condition of licensing and (2) any bail bondsman, bail enforcement agent, or surety bail bond agent carrying firearms on the job must complete training in firearm safety and use and get a special DPS permit. Both courses must be approved by the commissioner. Beginning October 1, 2008, the commissioner must also approve course instructors.

Anyone seeking approval as an instructor must complete, under oath, a DPS application containing:

1. the applicant's name, address, date and place of birth;
2. employment for the previous five years;
3. education or training in the criminal justice or firearms safety and use areas, as applicable;
4. any convictions for violations of the law;
5. any other information the commissioner may require by regulation to properly investigate the applicant's character, competence, and integrity.

The commissioner may not approve anyone as a course instructor if he or she has been denied a license as a professional bondsman, surety bail bond agent, or bail enforcement agent or has had the license revoked or suspended. Also he may not approve anyone who has been convicted of a felony or any of the following 12 misdemeanors:

1. criminally negligent homicide (excluding deaths caused by motor vehicles);

2. third-degree assault;
3. third-degree assault of a blind, elderly, pregnant, or mentally retarded person;
4. second-degree threatening;
5. first-degree reckless endangerment;
6. second-degree unlawful restraint;
7. second-degree failure to appear;
8. first-degree riot;
9. second-degree riot;
10. inciting to riot;
11. second-degree stalking; and
12. first offense involving illegal possession of certain drugs.

The bill allows the commissioner to adopt regulations to implement the provisions governing the licensing standards for bail enforcement agents and approval standards for criminal justice instructors. By law, he must already adopt regulations for the approval of schools, institutions and organizations, including course content, number of hours, and requirements for instructors for firearm safety and use training courses.

Suspension of Approval

The commissioner may suspend, revoke, or deny an approval, after notice and hearing opportunity, on the same grounds that currently apply to a bail enforcement agent licensee, namely, the person:

1. violated pertinent laws or regulations;
2. practiced fraud, deceit, or misrepresentation;

3. made a material misstatement in the application for issuance or renewal of the approval;
4. has demonstrated incompetent or untrustworthy business conduct;
5. has been convicted of any of the disqualifying crimes for approval or other crime affecting the instructor's honesty, integrity, or moral fitness; or
6. is unsuitable.

Aggrieved parties may appeal the commissioner's order to the Hartford Superior Court.

Renewal of Approvals

Under the bill, anyone wanting to renew approvals must apply to the commissioner on a DPS form, providing any information the commissioner requires to determine suitability to continue as an instructor. The renewal fee is \$100, but the bill does not set an initial fee or specify how long approvals last.

CARRYING A FIREARM OR HUNTING WHILE DRUNK

The bill lowers, from .10 to .08, the BAC level for the offenses of (1) carrying a firearm while intoxicated and (2) hunting while intoxicated. This conforms the law to other laws establishing .08 as the presumptive level for operating under the influence. Under existing law, a violation of the former law is a class B misdemeanor, punishable by a prison term of up to six months, a fine of up to \$1,000, or both. A violation of the latter is a class A misdemeanor, punishable by a prison term of up to one year, a fine of up to \$2,000, or both.

FACSIMILE FIREARMS

The bill exempts people participating in state-certified qualified productions from the ban on facsimile firearms. Under existing law, a violation of the ban is a class B misdemeanor. A "state-certified qualified production" refers to documentaries, films, videos and music

videos, among other things, produced by an eligible production company that (1) is approved by the Connecticut Commission on Culture and Tourism, (2) complies with pertinent regulations the commission adopts, and (3) is authorized to conduct business in Connecticut.

GUN SHOWS

Current law requires gun show promoters, at least 30 days before putting on a gun show, to notify the police chief of the event or, where there is no police chief, the first selectman or borough warden. The bill requires the local official to notify the public safety commissioner of the date, time, duration, and location of the event.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute Change of Reference

Yea 21 Nay 2 (02/28/2008)

Judiciary Committee

Joint Favorable

Yea 43 Nay 0 (03/24/2008)